

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at GREENEVILLE

ELLA D. MCCLELLAN,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)
)

Case No. 2:10-cv-118

Judge Mattice
Magistrate Judge Lee

ORDER

On January 26, 2012, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 24) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that (1) Plaintiff's Motion for EAJA attorney's fees (Doc. 22) be granted, and (2) Plaintiff be awarded attorney's fees in the amount of \$3,125.75.

Defendant has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Lee's well-reasoned conclusions.

¹ Magistrate Judge Lee specifically advised Defendant that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 24 at 8 n.2); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Defendant could timely file objections has now expired.

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion for EAJA attorney's fees (Doc. 22) is hereby **GRANTED**;
- Plaintiff is hereby awarded attorney's fees in the amount of **\$3,125.75**.

SO ORDERED this 28th day of March, 2013.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE